

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CAUSE NO.: 2:16-CR-178-JVB-JEM
)	
RICHARD E. GEARHART and)	
GEORGE MCKOWN,)	
Defendants.)	

ORDER

This matter is before the Court on an Amended Motion for Continuance of Trial [DE 45], filed by Defendant Richard E. Gearhart on October 12, 2017. Defendant requests a continuance of the jury trial in this case because of the schedule of counsel for Defendant Gearhart. Counsel for Defendant represents that Defendant Richard E. Gearhart has been advised and agrees that the delay in proceeding to trial occasioned by this continuance is excludable for purposes of the Speedy Trial Act. Counsel further represents that counsel for Defendant McKown has represented that Defendant George McKown does not object to the requested continuance and waives speedy trial, and that counsel for the Government does not object to the requested continuance.

Finding that the ends of justice served by granting such a continuance outweigh the best interest of the public and Defendant in a speedy trial, in that a failure to grant such a continuance would unreasonably deny Defendant the reasonable assistance of counsel and time necessary for effective preparation for trial, and taking into account the exercise of due diligence, the Court hereby **GRANTS** the Amended Motion for Continuance of Trial [DE 45].

The period of delay resulting from this continuance is to be excluded under the terms of the Speedy Trial Act and 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(i) and (iv).

The Court **VACATES** the current final pretrial conference and jury trial settings as to both Defendants. The Court **SETS** the Final Pretrial Conference for **August 24, 2018, at 9:30 a.m.** (Central Time) before Magistrate Judge John E. Martin; and the Jury Trial as a primary criminal setting for **September 10, 2018, at 12:30 p.m.** (Central Time) before District Court Judge Joseph S. Van Bokkelen.

Trial counsel are **ORDERED** to submit all pre-trial filings on or before the Final Pre-Trial Conference and to appear in person for the Final Pretrial Conference.

The Court **REMINDS** the parties that any plea agreement is to be filed in writing with the District Court no later than five (5) working days before trial. Late pleas may result in the imposition of jury costs against the delaying party(ies) and/or counsel by the District Court.

The Court **DENIES as moot** the Motion for Continuance of Trial [DE 44].

SO ORDERED this 30th day of November, 2017.

s/ John E. Martin
MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT

cc: All counsel of record